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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 21, 2002

JOINT APPLICATION OF

CAVALIER TELEPHONE, LLC

and

NET2000 COMMUNICATIONS  
OF VIRGINIA, LLC

CASE NO. PUC-2002-00003

For approval for Net2000  
Communications of Virginia, LLC,  
to discontinue local exchange and  
interexchange telecommunications  
services, and for authority for Cavalier  
Telephone, LLC, to provide telecommunications  
services under the tariffs filed by Net2000  
Communications of Virginia, LLC, on  
an interim basis

ORDER GRANTING JOINT APPLICATION

On January 9, 2002, Cavalier Telephone, LLC ("Cavalier"),  
and Net2000 Communications of Virginia, LLC ("Net2000-VA"),  
(collectively, "Joint Applicants") filed with the State  
Corporation Commission ("Commission") their Joint Application  
for authority of Net2000-VA to discontinue provision of local  
exchange and interexchange telecommunications services in the  
Commonwealth of Virginia and for interim authority for Cavalier  
to provide local exchange and interexchange telecommunications  
services to the customers of Net2000-VA under the tariffs of

**Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, e.g., PUE010663 to the following: PUE-2001-00663.**

Net2000-VA until Cavalier's tariff revisions are approved by the Commission ("Joint Application").<sup>1</sup>

In addition, on January 11, 2002, Net2000 Communications Services, Inc. ("Net2000") separately filed an emergency petition for authority to discontinue the provision of telecommunications services in the Commonwealth of Virginia ("Net2000 Petition"). The Net2000 Petition requests authority to discontinue telecommunications services as of January 22, 2002. Both the Joint Application and the Net2000 Petition will be considered in this docket.

On January 17, 2002, Verizon Virginia Inc. ("Verizon Virginia") filed its Motion for Leave to Intervene and Request for Investigation, and Verizon Virginia filed on January 22, 2002, a Motion for Leave to Update the Request for Investigation. Finally, on January 31, 2002, Net2000 filed its Answer and Motion to Deny.

Pursuant to 20 VAC 5-400-180 D 7, Net2000-VA cannot "abandon or discontinue local exchange service except with the approval of the Commission, and upon such terms and conditions

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<sup>1</sup> Certificate No. T-405 was granted originally to Ntel Communications, L.L.C., on March 9, 1998, in Case No. PUC-1997-00179. On May 5, 1999, Ntel Communications changed its name to Net2000-VA, and Certificate No. T-405a was re-issued to Net2000-VA in Case No. PUC-1999-00007. Certificate No. T-405a authorizes the provision of local exchange telecommunications services. Net2000-VA was issued Certificate No. TT-92A on May 5, 2000, in Case No. PUC-2000-00010. Certificate No. TT-92A authorizes the provision of interexchange telecommunications services.

as the Commission may prescribe."<sup>2</sup> The Commission's primary concern with authorizing withdrawal of local exchange and interexchange telecommunications services is that adequate notice be given. The Joint Application included a description of their customer notification efforts.<sup>3</sup>

The Commission is of the opinion that the Joint Application and Net2000 Petition should now be granted.<sup>4</sup> Accordingly, Net2000-VA is granted approval, pursuant to 20 VAC 5-400-180 D 7, to discontinue its provision of local exchange and interexchange telecommunications services. The Commission further finds that Cavalier should be authorized to provide local exchange and interexchange telecommunications services to Net2000-VA customers under the existing Net2000-VA tariffs on an interim basis until Cavalier's tariff revisions become effective.

Accordingly, IT IS ORDERED THAT:

(1) The Joint Application and Net2000 Petition are hereby granted, consistent with the findings above.

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<sup>2</sup> In an Order in Case No. PUC-2001-00128, dated March 5, 2002, the Commission adopted Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers 20 VAC 5-423-10 et seq.

<sup>3</sup> A copy of the customer notice, mailed November 29, 2001, is attached to the Joint Application.

<sup>4</sup> The Commission notes that the delay in granting this request was to ensure that the Net2000-VA customers were not disconnected as a result of issues being considered in Case No. PUC-2002-00023 or any actions being considered by the Bankruptcy Court.

(2) Net2000-VA is hereby authorized to withdraw from the provision of local exchange and interexchange telecommunications services effective as of January 22, 2002.

(3) Cavalier is hereby authorized to provide local exchange and interexchange telecommunications services to the former Net2000-VA customers under the existing Net2000-VA tariffs on an interim basis.

(4) Cavalier shall file its revised tariffs for local exchange and interexchange telecommunications services to the customers of Net2000-VA with the Division of Communications at least thirty (30) days prior to the proposed effective date.

(5) Upon the effective date of Cavalier's revised tariffs for local exchange and interexchange telecommunications services to the customers of Net2000-VA, the tariffs of Net2000-VA shall be cancelled.

(6) There being nothing further to come before the Commission, this case is closed.